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**Final Report
of
Task Force on
Environment and
Chesapeake Bay**

January, 1987



STATE OF MARYLAND
OFFICE OF THE GOVERNOR-ELECT

WILLIAM DONALD SCHAEFER
GOVERNOR-ELECT

December 22, 1986

The Honorable William Donald Schaefer
Governor-Elect
State of Maryland
301 West Preston Street
Baltimore, Maryland 21201

Dear Governor-Elect Schaefer:

As Chairman of the Task Force on the Environment and Chesapeake Bay, I herewith submit the recommendations of the task force in response to your charge as stated below:

Restatement of Charge

Create a single cabinet-level entity or independent agency with responsibility for enforcement of existing environmental protection laws and administration of existing regulations; specific attention should be given to eliminating the current overlap in regulatory activity related to environmental protection between the Department of Health and Mental Hygiene and the Department of Natural Resources.

Develop a plan for the creation of a single entity with the responsibility for protection and improvement of the Chesapeake Bay and the administration of related policies and programs; consideration should be given to creation of a cabinet-level entity, an independent agency or an agency or office with the organization created under paragraph 1 (above).

Complete all activities, including the preparation of an appropriate Executive Order pursuant to Article II, Section 24 of the Maryland Constitution, and Title 8, State Government Article, Maryland Annotated Code, by December 22.

The Task Force believes the recommendations contained within the report fulfill the charge.

In presenting the report, the Task Force wishes to emphasize several points which are essential to a proper understanding of the recommendations.

First, the new Department of Environmental Protection will consolidate most of the environmental programs of the state which have a direct bearing on air and water quality. However, it is not a superagency. The Task Force felt strongly that Maryland's interests, including the desire to restore the Chesapeake Bay, can best be met by clearly defining the duties of existing agencies focused on agriculture, human health, and natural resources, and providing clear coordinating linkages among them and the new Department of Environmental Protection. We have also stated that should abuse of any environmental protection regulation occur, authority to enforce the law shall reside in the new agency.

Second, even though we recommend some fundamental changes in the present organizational structure, we do not wish to suggest that the people involved have been unprofessional in fulfilling their responsibilities. On the contrary, the Task Force believes administrators and staff have performed in an exceptional manner with regard to the protection of the environment as well as initiating the clean up of the Chesapeake Bay. The caliber of Maryland's environmental professionals is superb. Nevertheless, we feel the changes which we propose will elevate environmental affairs and provide better, more efficient services to the citizens of Maryland in the future.

Third, the transfer of certain functions from the Department of Health and Mental Hygiene and the Department of Natural Resources is intended to occur without loss of any positions or personnel. The Task Force feels that state employees involved in these transfers need to be reassured that their jobs are secure and their dedicated service is genuinely appreciated and needed.

Fourth, we recognized as we considered the creation of a new agency, that such a change will have an impact at the local level. Many of the programs which are the responsibility of the present Office of Environmental Programs are delegated to local health departments. We are recommending that most of these programs remain with the new Department of Health. In the case of inspections and permits for water and sewer, a function that will be in the new Department of Environmental Protection, we suggest that the new secretary use the agreements recently negotiated between the state and the counties to detail the working relationship between the new agency and the county health departments. These agreements appear to be a useful tool and we encourage their use by the new department.

Lastly, the new agency which we are proposing will have the difficult and very critical responsibility of protecting the air and water resources of the citizens of Maryland. Federal and state law both place profound importance on the maintenance of an environment healthy for humans as well as for plants, animals and fish. Recognizing this, the Task Force urges you to choose as the new secretary an individual whose commitment to environmental protection cannot be challenged and who has proven ability to manage and administer a large regulatory agency.

As Task Force Chairman, I wish to convey my deepest appreciation to the members of the Task Force for their dedicated service, their willingness to sacrifice personal time over the past six weeks and their objectivity in serving in this capacity. I commend you and your staff for having selected an outstanding group of individuals to provide the necessary balance and expertise to complete the charge.

I want to thank you for allowing me to serve as Chairman and wish to convey my best wishes for your new Administration and pledge my support in any future help I may offer.

Very truly yours,



Gary R. Fuhrman, Chairman
Task Force on the Environment
and Chesapeake Bay

GRF/wjw

ccs: The Honorable Melvin A. Steinberg
Lieutenant Governor-Elect
Mr. J. Henry Butta
Transition Manager

Environment and Chesapeake Bay Task Force

Mr. Gary R. Fuhrman, Chairman

The Honorable Solomon Liss

Mr. William C. Baker

Mr. Joseph Meyerhoff, II

Mr. David Carroll

Mr. John C. Miller

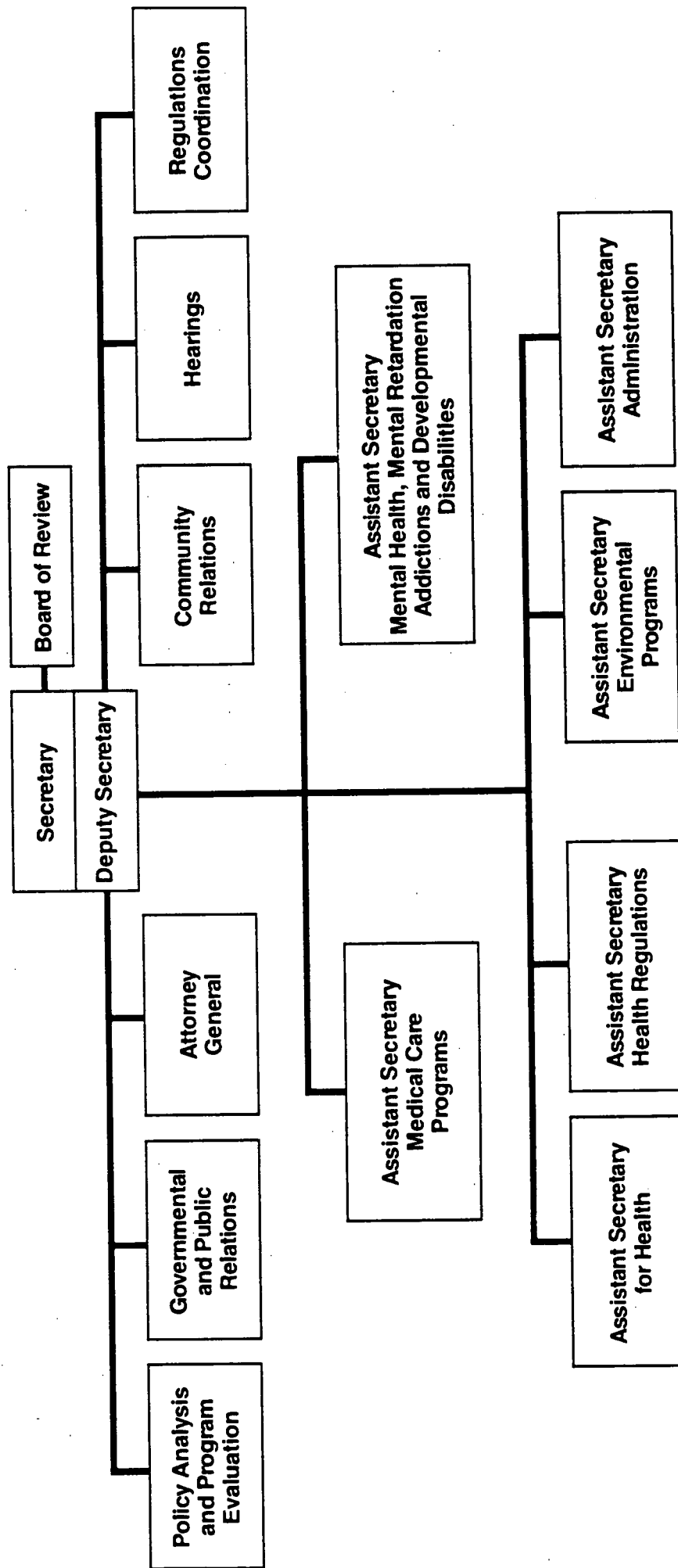
Mr. James C. Coulter

Dr. Cecil Payton

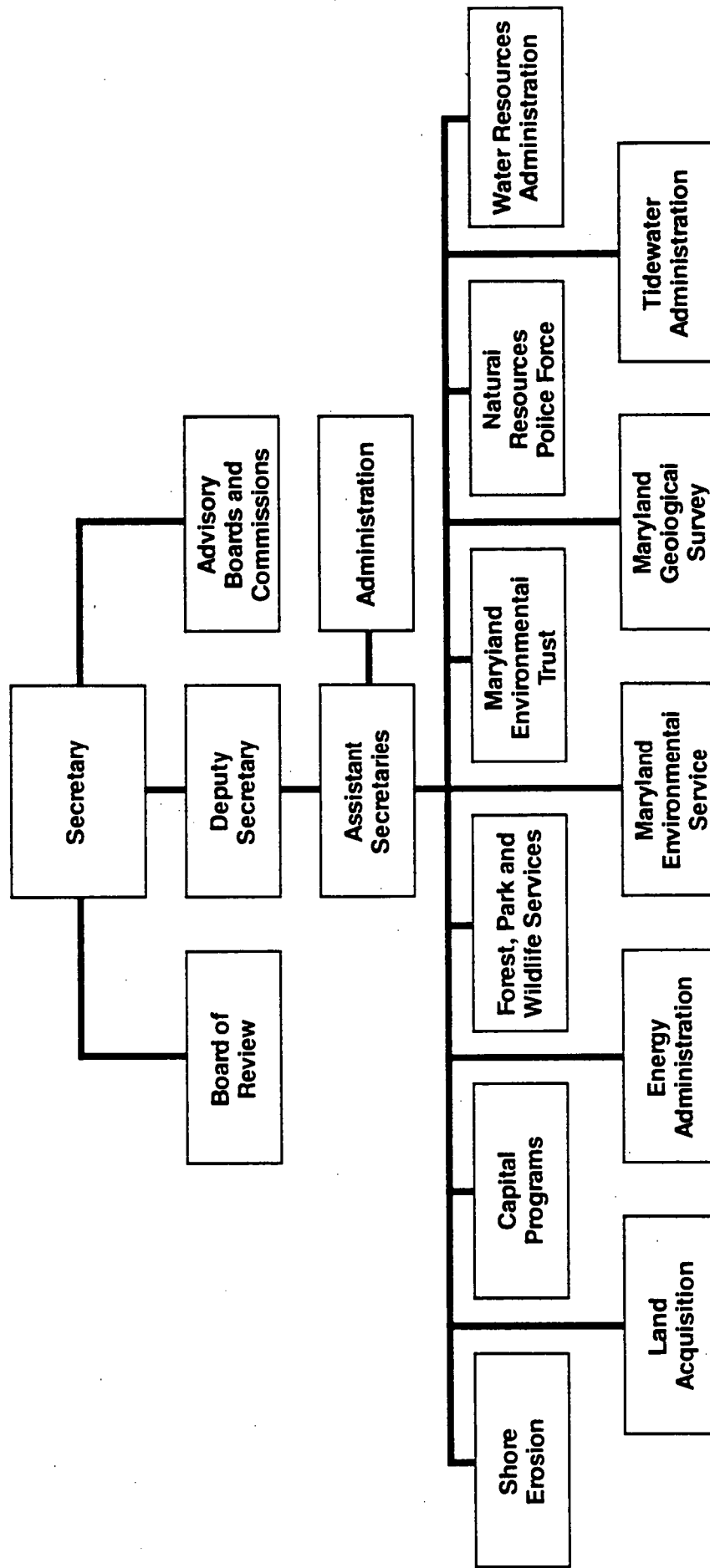
Ms. Frances Flanigan

Mr. Warren K. Rich, Esq.

Existing

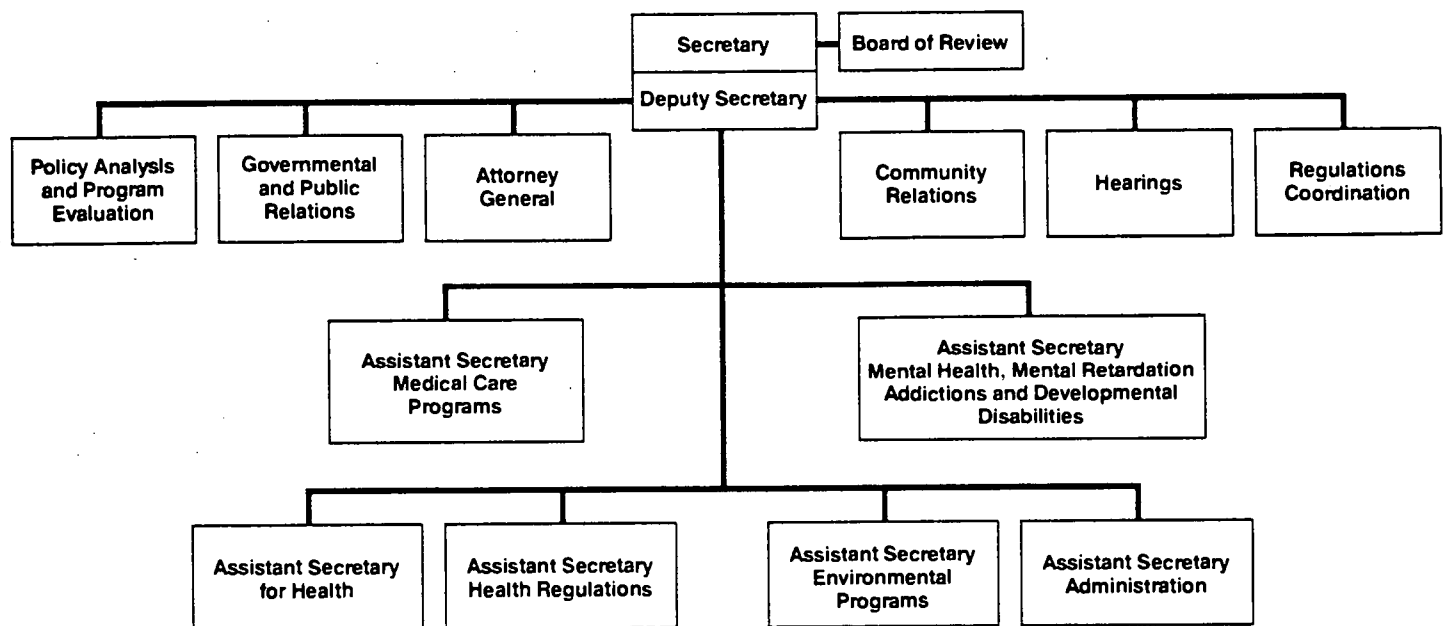


**Existing
Department of Natural Resources**



Proposed Changes Department of Health and Mental Hygiene

Existing Department of Health and Mental Hygiene



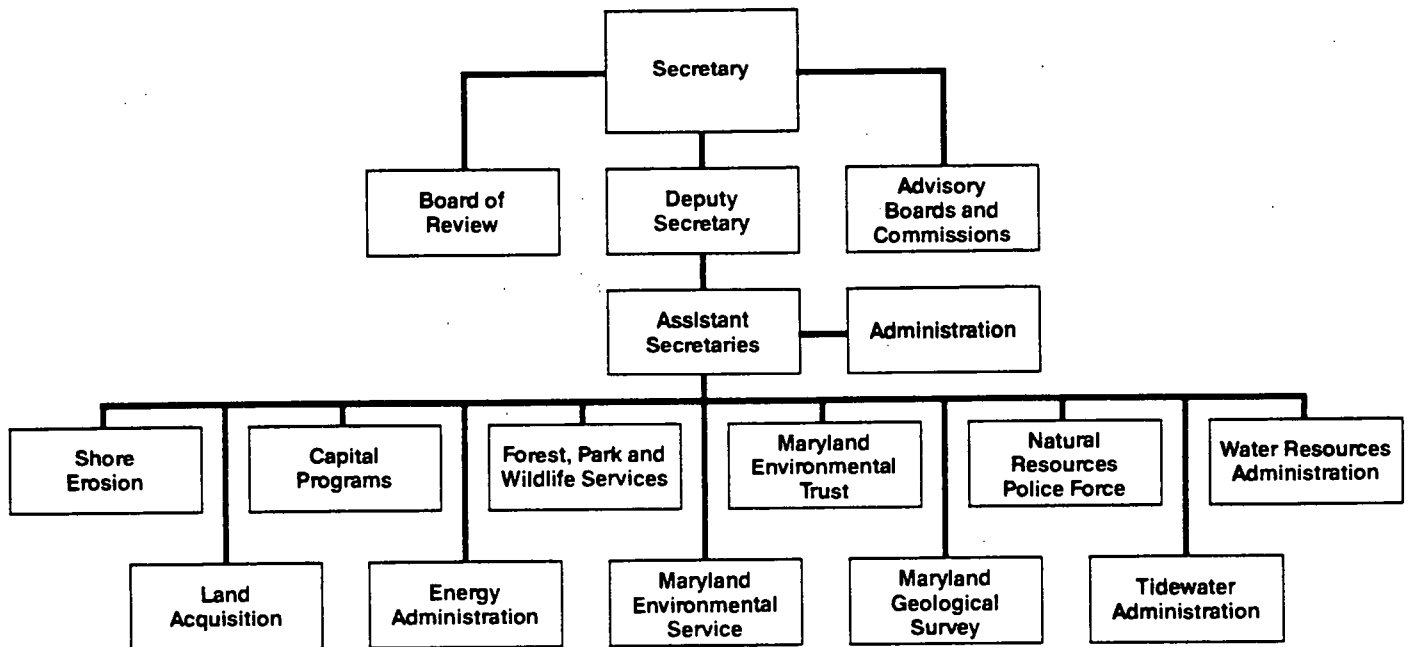
Environmental Programs
with exception of
Community Health



Transferred to
Proposed
Department of
Environmental Protection

Proposed Changes Department of Natural Resources

Existing Department of Natural Resources



**Maryland
Energy Office**



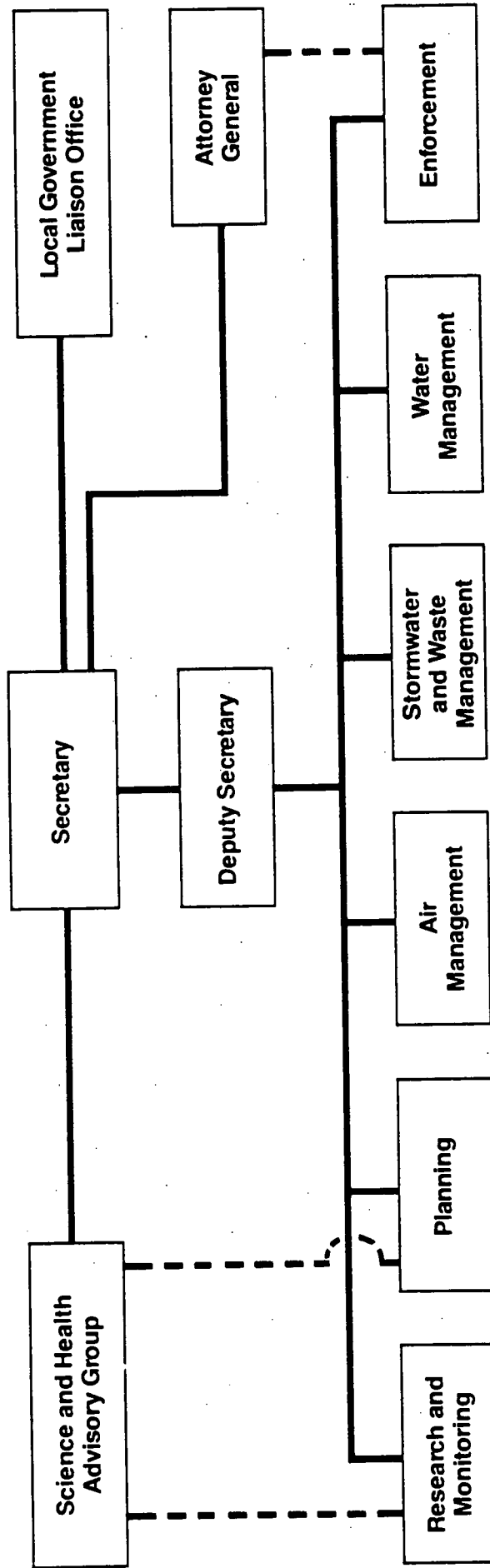
**Transferred to Proposed
Department of
Housing**

- Wetlands Permits
- Waterway Construction Permits
- Oil Management Program
- Water Supply Program
- Stormwater and Sediment Control Program
- Power Plant Research Program

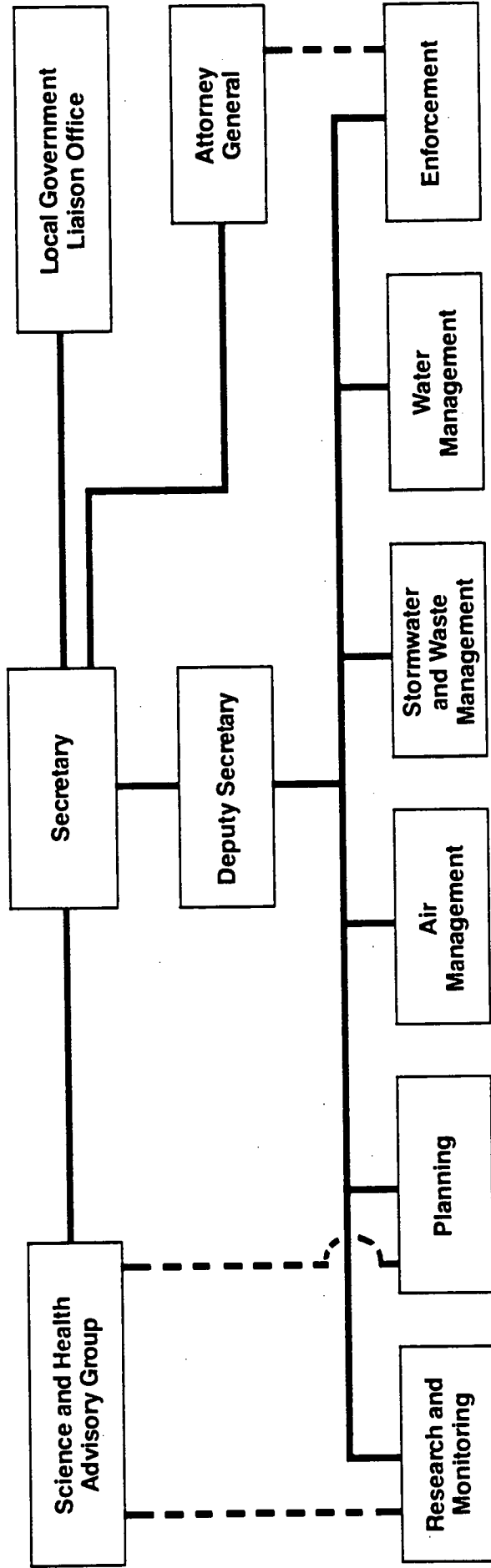


**Transferred to Proposed
Department of
Environmental Protection**

Proposed Department of Environmental Protection

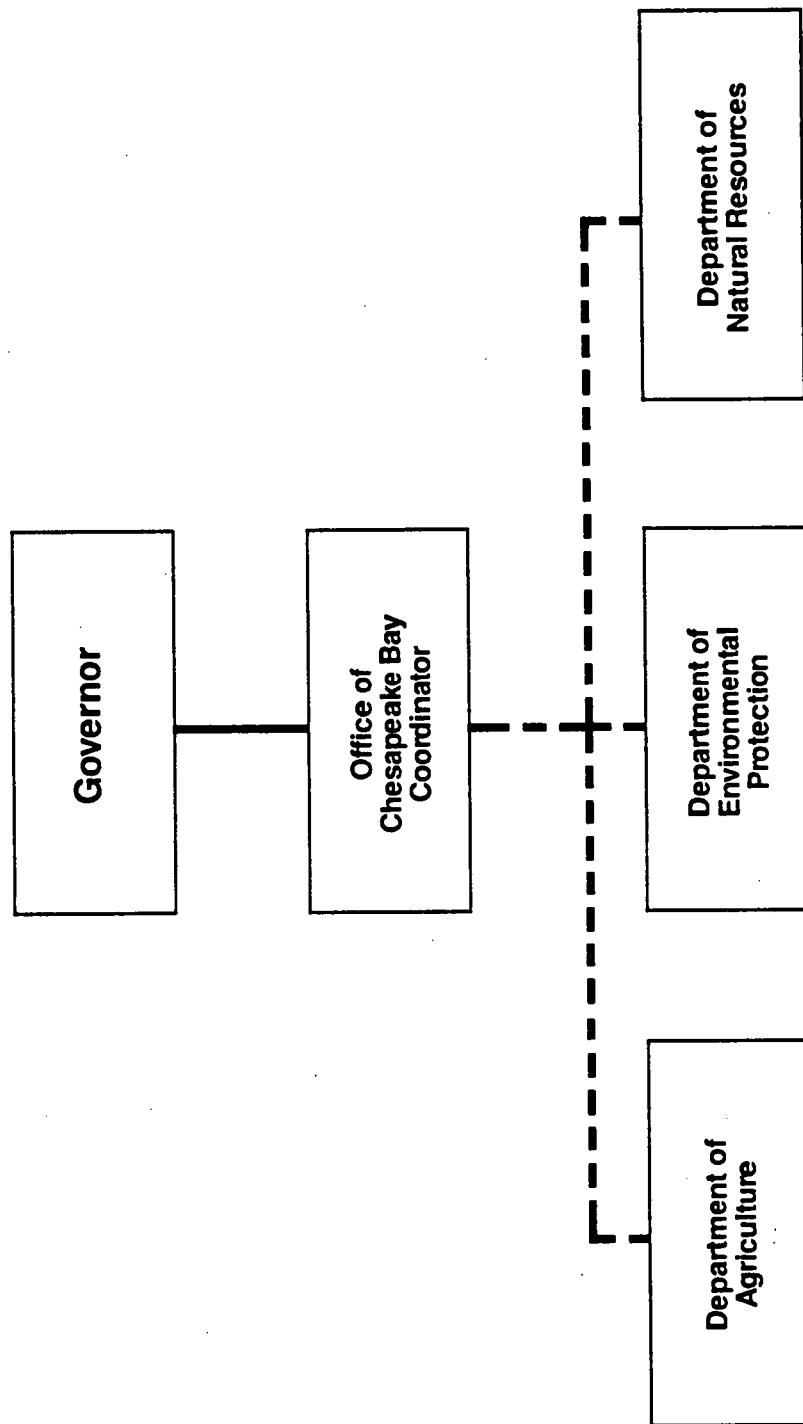


Proposed Department of Environmental Protection



- Monitoring
- Quality Control
- Research
- Modelling
- Liaison with Scientific Community
- Interagency Coordination
- Watershed Planning
- Program Evaluation
- Coordination of Department's Bay Programs
- Policy Development
- Public Information and Education
- Permitting
- Inspections
- Compliance Monitoring
- NPDES
- Industrial
- Oil Control
- Stormwater and Sediment Control
- Waste Disposal
- Compliance Monitoring
- Inspections
- Construction Grants
- NPDES
- Municipal
- Water Supply
- Compliance Monitoring
- Inspections
- Wetlands Permits
- Waterway Construction Permits
- Intradepartmental Coordination of Enforcement
- Interagency Coordination
- Agriculture
- DOT
- DNR

**Proposed
Governor's Office of Chesapeake Bay Coordinator**



Rationale of Recommendations

- Creates a single cabinet-level structure for enforcement and administration of air and water quality protection laws and regulations.
- Establishes one person as responsible for Chesapeake Bay program with direct access to the Governor.
- Places environmental protection at Cabinet level of state government.
- Eliminates significant overlaps in environmental permitting processes.
- Clarifies and streamlines departmental responsibilities for Natural Resource Management, Public Health and Environmental Protection.
- Consolidates most state programs that are delegated by United States Environmental Protection Agency.
- Eliminates competition of environmental protection with other health-related programs for budget and other resources.
- Strengthens state's environmental enforcement capability.
- Strengthens scientific input into regulatory and permitting process.
- Enhances communications with local governments and other state agencies.
- Improves assistance to local governments to carry out local environmental responsibilities.

Recommendations

In addition to the recommendations contained in the organizational charts, the Task Force recommends the following actions be taken.

1. Maryland Environmental Services—MES is charged with planning financial and running waste handling and treatment facilities. Because the coordination of waste management is becoming an increasingly pressing issue involving a number of jurisdictions, a single, independent authority should be created. The Maryland Environmental Service should become a more independent authority to comprehensively manage waste treatment and disposal for the state.
2. Hazardous Waste Facilities Siting Board (HWFSB)—The Board was created by the state to review proposals to develop hazardous waste disposal sites. The only facility in the state in recent years has been managed by MES. The HWFSB should be defunded, reactivated as required to respond to proposals.
3. Pesticide Programs—The safe use and disposal of pesticides, by agriculture, commercial and home users is a growing issue directly impacting public safety and the environment. The Task Force recommends the following:
 - a. The Maryland Department of Agriculture should have an expanded role in controlling pesticides for home and maritime use. This will require additional funding and staff.
 - b. Proper commercial and home application of pesticides is crucial to protecting the public and the environment. The new Department of Environmental Protection needs stronger enforcement capabilities for the pesticide program.
 - c. Safe disposal of residential hazardous wastes, many everyday items, is an issue few jurisdictions have been able to adequately address. A task force should be created to recommend a state wide program for both public education and to provide a mechanism for safely collecting and disposing of residential hazardous wastes.
4. Develop a comprehensive public education and involvement program for environmental and Chesapeake Bay issues.
5. To insure that human health related issues and their impacts influenced by programs under the new Department of Environmental Protection are adequately addressed, establish a strong relationship between the department and the Department of Health and Mental Hygiene.
6. Responsibilities of the Secretary of the Department of Health and Mental Hygiene, as the Secretary of record, will require transfer to the Secretary of the Department of Environmental Protection for certain boards.
7. The seafood marketing program should be returned to the Department of Natural Resources. The promotion of Maryland's seafood industry should be managed by the Department of Natural Resources.